



To the Honorable Council
City of Norfolk, Virginia

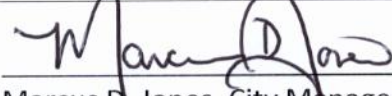
July 12, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Special Exception to operate an eating and drinking establishment at 4314 Colley Avenue – Shiptown Seafood Company**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-4**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exception to operate an eating and drinking establishment.
- IV. **Applicant:** Shiptown Seafood Company
- V. **Description:**
 - The site is located in the C-2 district, which permits the proposed use by special exception.

	Previous (Eva's)	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	4:00 p.m. until 12:00 midnight Monday through Thursday 4:00 p.m. until 2:00 a.m. Friday and Saturday 11:00 a.m. until 12:00 midnight Sunday	10:00 a.m. until 10:00 p.m., Seven days a week
Outdoor dining	4:00 p.m. until midnight Monday through Saturday 11:00 a.m. until 12:00 midnight Sunday	10:00 a.m. until 10:00 p.m., Seven days a week
Capacity	<ul style="list-style-type: none">• 43 indoor seats• 44 outdoor seats• 103 total capacity	Same
Mixed Use	Second story dwelling unit	Same

VI. Historic Resources Impacts

- The building is not located within a federal, state, or local historic district.
 - The existing building is more than 50 years old and is eligible for designation.

VII. Public Schools Impacts

The site is located in the Larchmont Elementary School, Blair Middle School and Maury High School Attendance Zones.

Staff point of contact: Susan Pollock Hart at 664-4765, susan.pollock@norfolk.gov

Attachments:

- Staff Report to CPC dated June 23, 2016 with attachments
- Proponents and Opponents
- Ordinance

Planning Commission Public Hearing: June 23, 2016

Executive Secretary: George M. Homewood, FAICP, CFM

Staff: Susan Pollock Hart, CFM

JS

SP

Staff Report	Item No.	13
Address	4314 Colley Avenue	
Applicant	Shiptown Seafood Company	
Request	Special Exception	Eating and drinking establishment
Property Owner	Natalie, LLC	
Site Characteristics	Site Area/Space	2,500 sq. ft./2,340 sq. ft.
	Future Land Use Map	Commercial
	Zoning	C-2 (Corridor Commercial)
	Neighborhood	Highland Park
	Character District	Traditional
Surrounding Area	North	C-2: Office and retail
	East	C-2: Lafayette River
	South	C-2: Mack's Barge restaurant
	West	C-2: Cogan's; Greater Grinders, Turbo Wash



A. Summary of Request

- The site is located Downtown at the southeast intersection of 44th Street and Colley Avenue.
- The applicant proposes to operate a restaurant serving alcohol to the patrons for on-premises consumption.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

C. Zoning Analysis

i. General

- The site is located in the C-2 district, which permits the proposed use by special exception.

	Previous (Eva's)	Proposed
Hours of Operation and for the Sale of Alcoholic Beverages	4:00 p.m. until 12:00 midnight Monday through Thursday 4:00 p.m. until 2:00 a.m. Friday and Saturday 11:00 a.m. until 12:00 midnight Sunday	10:00 a.m. until 10:00 p.m., Seven days a week
Outdoor dining	4:00 p.m. until midnight Monday through Saturday 11:00 a.m. until 12:00 midnight Sunday	10:00 a.m. until 10:00 p.m., Seven days a week
Capacity	<ul style="list-style-type: none">• 43 indoor seats• 44 outdoor seats• 103 total capacity	Same
Mixed Use	Second story dwelling unit	Same

ii. Parking

The eating establishment is replacing an existing eating establishment with the same number of seats.

iii. Flood Zone

- The property is located in the AE (High Risk) flood zone.
- Recent substantial improvements to the site required the building to come into compliance with current standards pertaining to flooding.

D. Transportation Impacts

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- Since no increase in indoor seating is being proposed for the site, no additional trips are projected.
- Colley Avenue near the site is not identified as a severely congested corridor in either the AM or PM peak hours in the current update to regional Hampton Roads Congestion Management analysis.
- Colley Avenue adjacent to the site is an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan and has shared lane markings on the pavement.

E. Historic Resources Impacts

- The building is not located within a federal, state, or local historic district.
 - The existing building is more than 50 years old and is eligible for designation.

F. Public Schools Impacts

The site is located in the Larchmont Elementary School, Blair Middle School and Maury High School Attendance Zones.

G. Environmental Impacts

The site was completely renovated for the prior tenant in 2013 and as part of that work landscaping complies with current requirements.

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

The applicant proposes to decrease the hours of operation of both the indoor and outdoor seating areas and would not negatively impact the surrounding area.

J. Payment of Taxes

The applicant is current on taxes.

K. Civic League

- Notice was sent to the Highland Park and Colonial Place/Riverview Civic Leagues on May 11.

L. Communication Outreach/Notification

- Legal notice was posted on the property on May 17.
- Letters were mailed to all property owners within 300 feet of the property on June 9.

- Legal notification was placed in *The Virginian-Pilot* on June 9 and June 16.

M. Recommendation

Staff recommends **approval** of the special exception request subject to the conditions below:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 10:00 a.m. to 10:00 p.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 43 seats indoors, 44 seats outdoors, and the total occupant capacity, including employees, shall not exceed 103 people.
- (c) No smoking shall be permitted anywhere in the outdoor dining area.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (e) The establishment shall maintain a current, active business license at all times while in operation.
- (f) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or

representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

Notice to the Highland Park and Colonial Place/Riverview Civic Leagues

Proponents and Opponents

Proponents

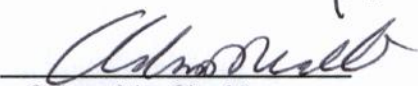
Jennifer Stringer
8834 Granby Street
Norfolk, VA 23504

Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "SHIPTOWN SEAFOOD COMPANY" ON PROPERTY LOCATED AT 4314 COLLEY AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Stephen Marsh authorizing the operation of an eating and drinking establishment named "Shiptown Seafood Company" on property located at 4314 Colley Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 25 feet, more or less, along the eastern line of Colley Avenue and 100 feet, more or less, along the southern line of 44th Street; premises numbered 4314 Colley Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 10:00 a.m. until 10:00 p.m., seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 43 seats indoors, 44 seats outdoors, and the total occupant capacity, including employees, shall not exceed 103 people.
- (c) No smoking shall be permitted anywhere in the outdoor dining area.
- (d) No portion of the outdoor dining area shall be enclosed and any covering must leave the dining

space open on at least three (3) sides

- (e) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (f) The establishment shall maintain a current, active business license at all times while in operation.
- (g) The establishment shall remain current on all food and beverages taxes and other local taxes which may become due while it is in operation.
- (h) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, and both solid and liquid waste.
- (i) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (j) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of

this ordinance, the conditions of this ordinance shall govern.

- (k) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (l) Neither the establishment nor any portion of it shall be leased, let, or used to stage any private party and no outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (m) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent

real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exception permitting the operation of an eating and drinking establishment, adopted on May 13, 2014 (Ordinance No. 45,535). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (3 pages)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 5/9/16.

Trade name of business SHIPTOWN SEAFOOD COMPANY

Address of business 4314 COLLEY AVENUE.

Name(s) of business owner(s)* STEPHEN MARCH

Name(s) of property owner(s)* NATALIE MAH-GEREPTET

Daytime telephone number (757) 353-1611

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales	
Weekday	From <u>10:00</u> To <u>10:00</u>	Weekday	From <u>10:00</u> To <u>10:00</u>
Friday	From <u>10:00</u> To <u>10:00</u>	Friday	From <u>10:00</u> To <u>10:00</u>
Saturday	From <u>10:00</u> To <u>10:00</u>	Saturday	From <u>10:00</u> To <u>10:00</u>
Sunday	From <u>10:00</u> To <u>10:00</u>	Sunday	From <u>10:00</u> To <u>10:00</u>

2. Type of ABC license applied for (check all applicable boxes)

☒ On-Premises ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for

☒ Beer ☒ Wine ☒ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☐ Yes (Different application required) ☒ No

Exhibit A – Page 2

Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

6b. Which days of the week will there be a cover charge (circle all applicable days)?

☐ Monday ☐ Tuesday ☐ Wednesday ☐ Thursday ☐ Friday

☐ Saturday ☐ Sunday

7. Will the facility or a portion of the facility be available for private parties?
☐ Yes ☒ No

7a. If yes, explain

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

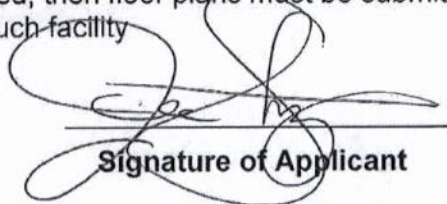
8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Eating and Drinking Establishment

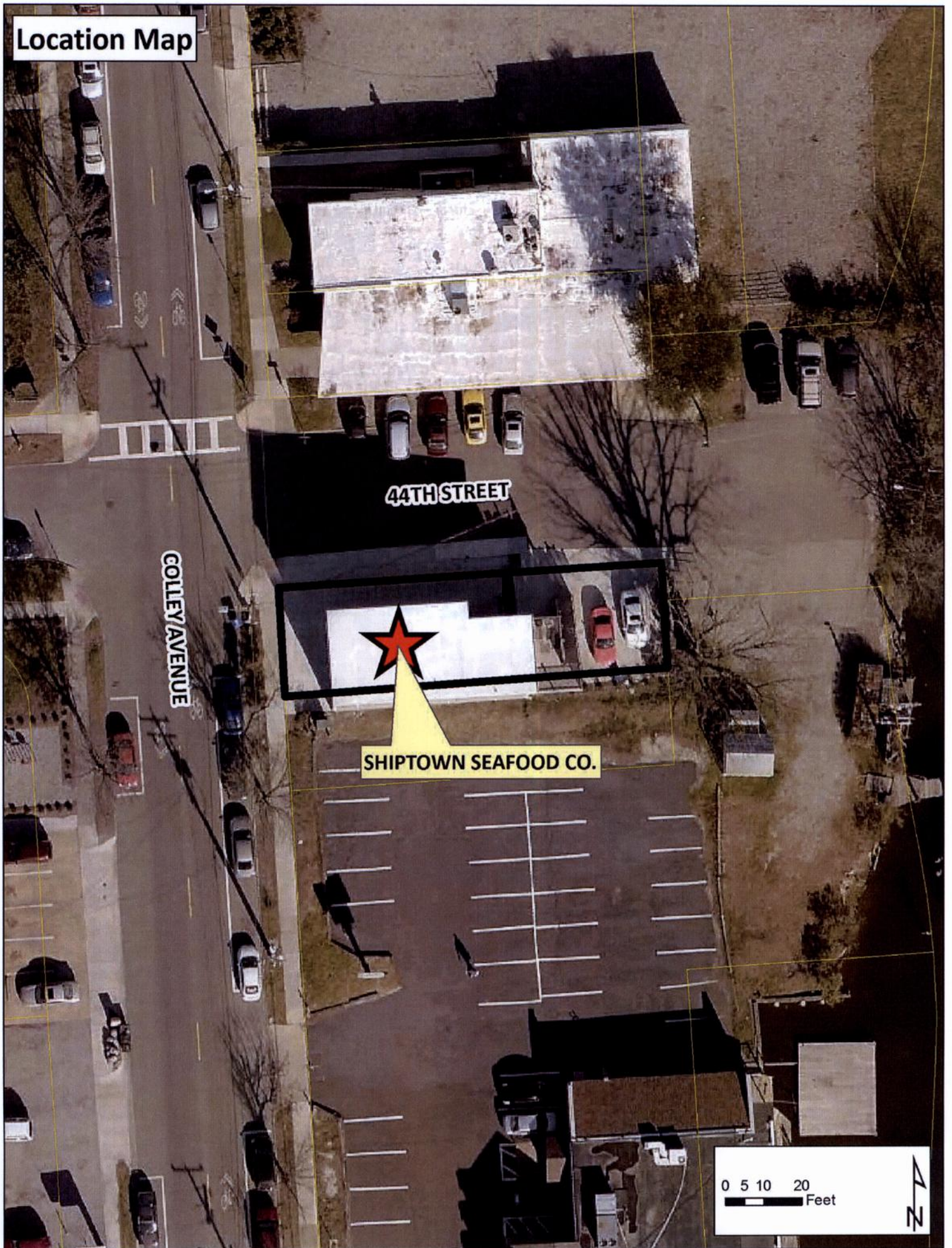
10. Additional comments/ description/operational characteristics or prior experience:

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

Location Map

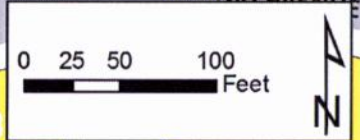
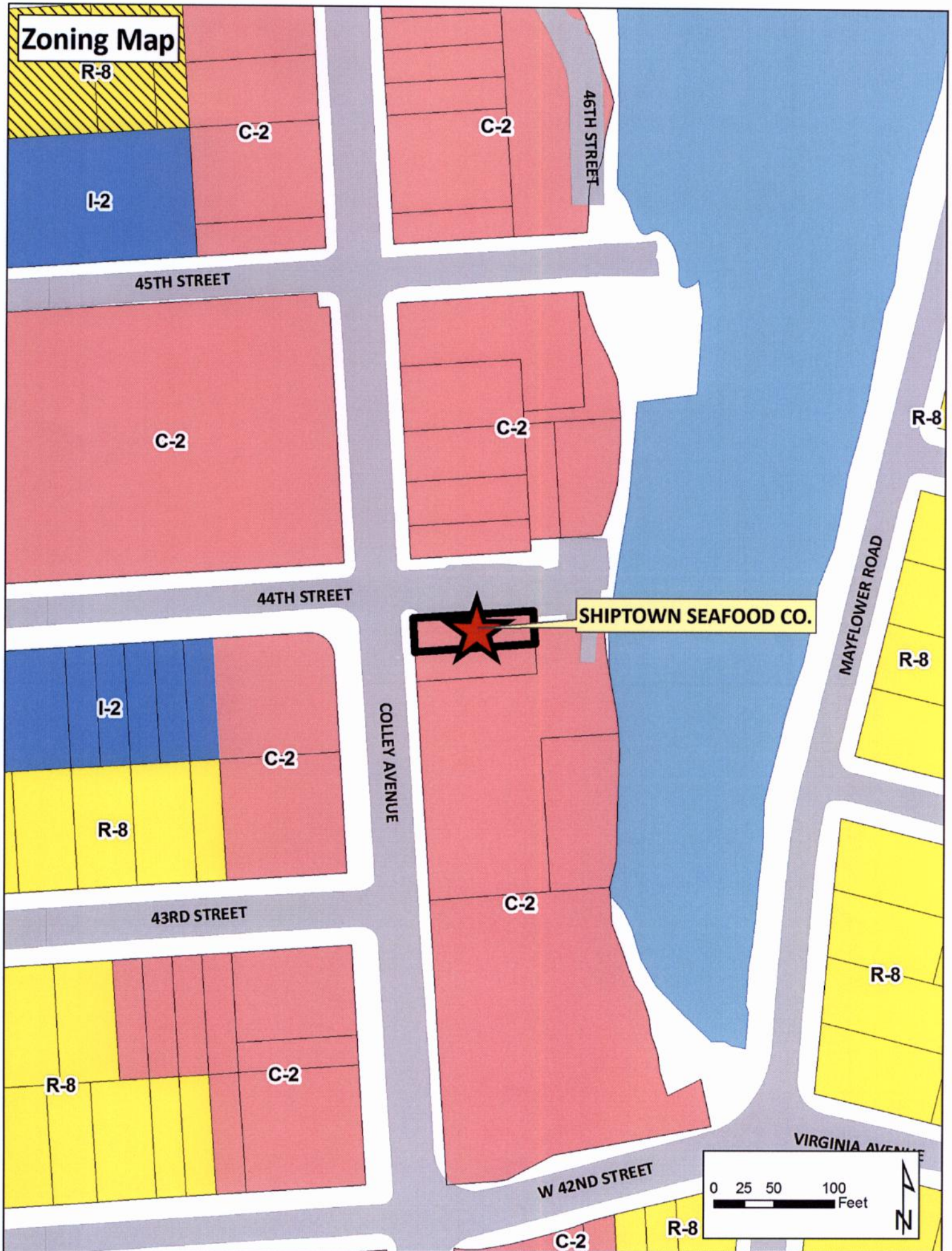


SHIPTOWN SEAFOOD CO.

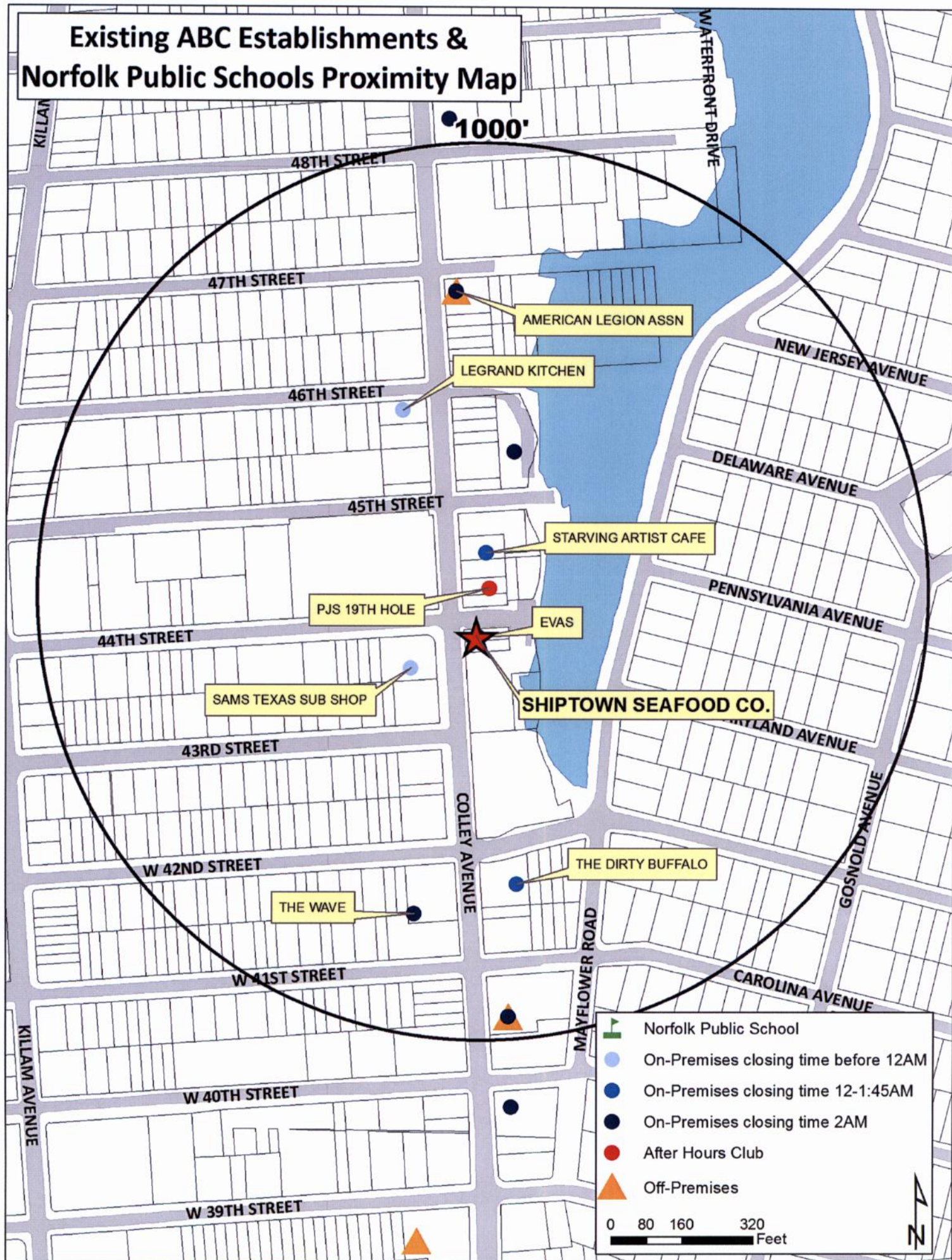
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Zoning Map



Existing ABC Establishments & Norfolk Public Schools Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 5/9/16

DESCRIPTION OF PROPERTY

Address 4314 COLLEY AVE

Existing Use of Property RESTAURANT

Proposed Use RESTAURANT

Current Building Square Footage 1,045 sq. ft. / 2,340 sq. ft. bldg total
(first floor)

Proposed Building Square Footage 1,045

Trade Name of Business (if applicable) SHIPTOWN SEAFOOD COMPANY

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) MARSH (First) STEPHEN (MI) ☐

Mailing address of applicant (Street/P.O. Box): 4515 COLLEY AVE

(City) NORFOLK (State) VA (Zip Code)

Daytime telephone number of applicant (757) 634-6084 Fax ☐

E-mail address of applicant: legrandkitchen@gmail.com

**Application
Eating and Drinking Establishment
Page 2**

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) STRINGER (First) JENNIFER (MI) C

Mailing address of applicant (Street/P.O. Box): 8834 GRANBY ST

(City) NORFOLK (State) VA (Zip Code) 23503

Daytime telephone number of applicant (757) 828-5911 Fax (☐)

E-mail address of applicant: jen@forthepeopleprojects.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) MAHGERETEH (First) NATALIE (MI)

Mailing address of property owner (Street/P.O. box): 4125 PORTSMOUTH BLVD

(City) PORTSMOUTH (State) VA (Zip Code) 23701

Daytime telephone number of owner (757) 353-1611 email: natalie.rose@live.com

CIVIC LEAGUE INFORMATION

Civic League contact:

Date(s) contacted:

Ward/Super Ward information: WARD 2 / SUPERWARD 7

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: _____ Sign: _____ / _____ / _____
(Property Owner or Authorized Agent of Signature) (Date)

Print name: _____ Sign: _____ / _____ / _____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: JENNIFER STRINGER Sign:  5 / 8 / 16
(Authorized Agent Signature) (Date)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Natalie Mahoney Sign: [Signature] (Date) 05/09/2014
(Property Owner or Authorized Agent of Signature)

Print name: _____ Sign: _____
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: JENNIFER STEINER Sign: [Signature] (Date) 5/8/16
(Authorized Agent Signature)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Natalie Mangereff Sign: [Signature] (Date) 05/09/2014
(Property Owner or Authorized Agent of Signature)

Print name: Stephen Marsh Sign: [Signature] (Date) 5/9/16
(Applicant)

ONLY NEEDED IF APPLICABLE:

Print name: JENNIFER STEINGER Sign: [Signature] (Date) 5/8/16
(Authorized Agent Signature)

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January, 2015)

Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)

30

Number of bar seats

13

Standing room

12

b. Outdoor

Number of seats

44

c. Number of employees

4

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 103

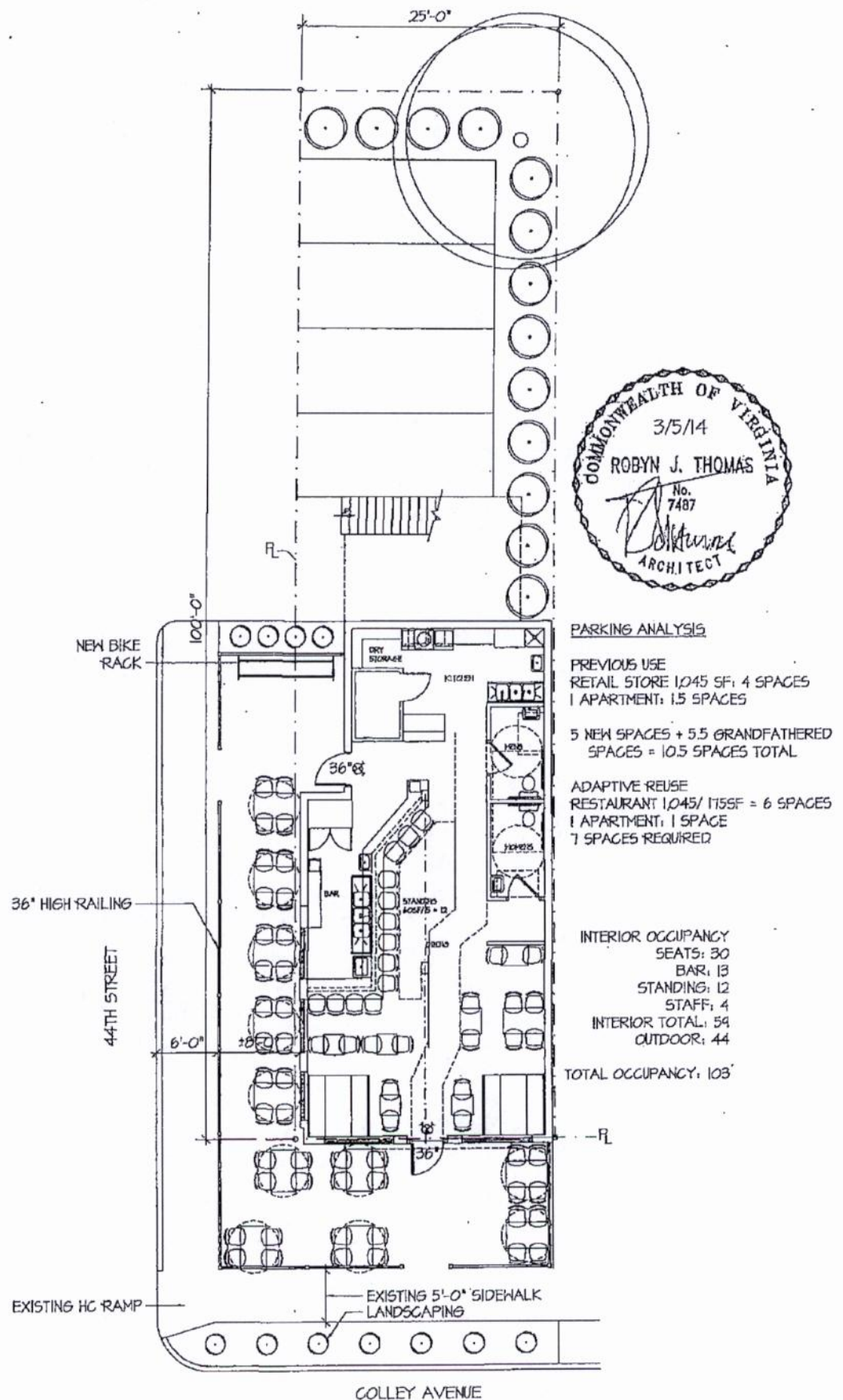
DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

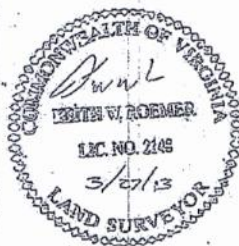
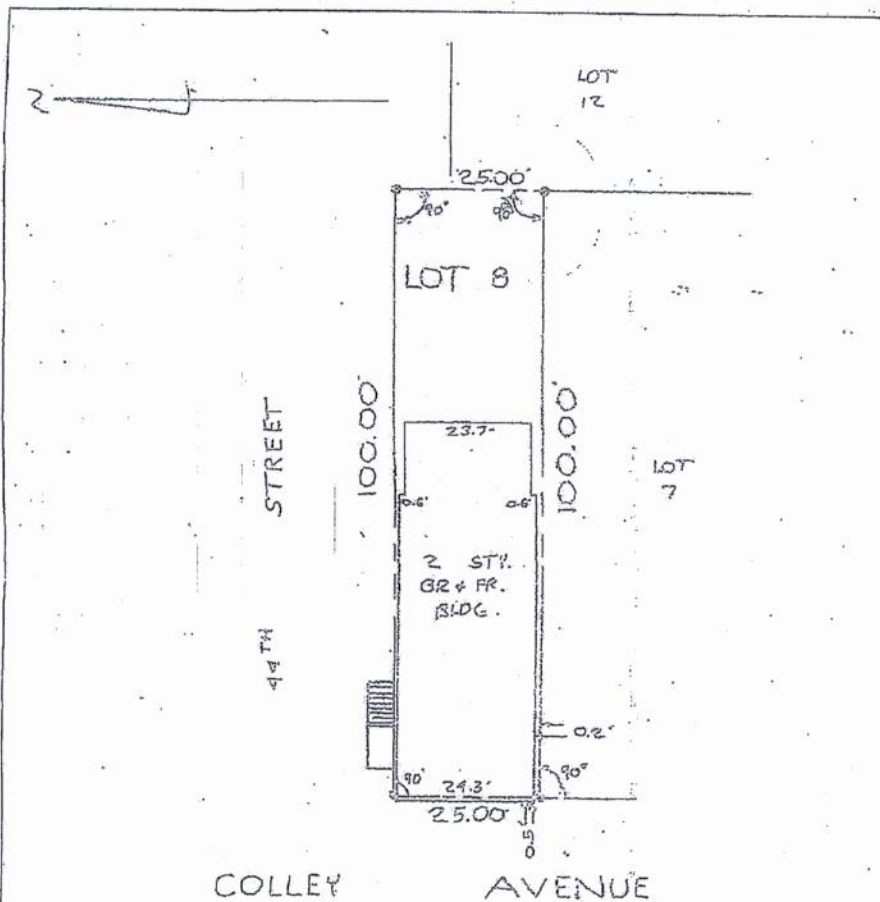
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



4314 COLLEY AVENUE: OCCUPANCY PLAN
3/32" = 1'-0"



Reference: P.S. 1 PG. 5

NOTE: Property shown hereon lies in -

Flood Zone: AE

Comm. Panel: 510104 009F

Date: 7/16/96

4314 COLLEY AVE

Plat of the property of:

I certify that on MAR 27 2013, I surveyed the property shown hereon, and that the boundary lines and physical improvements are as shown, and that there are no encroachments except as shown. This survey was completed without the benefit of a title report.

Signed: *Keith W. Roemer*

Roemer Land Surveyors
213 Palen Avenue
Newport News, VA 23601
757.572.2203

LOT 8, BLOCK 313
LAMBERT'S POINT
NORFOLK, VA.

Scale: 1 inch = 20'

FB: 27 PG: 33

Pollock, Susan

From: Straley, Matthew
Sent: Wednesday, May 11, 2016 11:20 AM
To: 'ryderd@verizon.net'; 'highlandpark_cl@yahoo.com'; 'jrobert@jwrobertson.com'; 'vicepresident@cprv.net'
Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise
Subject: new Planning Commission application - 4314 Colley Ave
Attachments: ShiptownSeafood.pdf

Mr. Ryder and Mr. Robertson,

Attached please find the application for a special exception to operate an eating and drinking establishment at 4314 Colley Avenue.

The item is tentatively scheduled for the June 23, 2016 Planning Commission public hearing.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

Thank you.

Matthew Straley
GIS Technician II



City Planning
810 Union Street, Suite 508
Norfolk, VA 23510
757-664-4769

Connect with us:
www.norfolk.gov

